

1 human services. A county may use funds received under this section only to provide  
2 services to persons who meet the requirements under sub. (4) and may not use  
3 unexpended funds received under this section to serve other developmentally  
4 disabled persons residing in the county.

5 **\*-1649/6.31\* SECTION 867.** 46.275 (5) (c) of the statutes, as affected by 2005  
6 Wisconsin Act .... (this act), is amended to read:

7 46.275 (5) (c) The total allocation under s. 20.435 (4) (b), (gp), (o), (r), (~~rg~~), and  
8 (w) to counties and to the department under sub. (3r) for services provided under this  
9 section may not exceed the amount approved by the federal department of health and  
10 human services. A county may use funds received under this section only to provide  
11 services to persons who meet the requirements under sub. (4) and may not use  
12 unexpended funds received under this section to serve other developmentally  
13 disabled persons residing in the county.

14 **\*-0344/3.31\* SECTION 868.** 46.277 (1m) (ag) of the statutes is created to read:  
15 46.277 (1m) (ag) "Delicensed" means deducted from the number of beds stated  
16 on a facility's license, as specified under s. 50.03 (4) (e).

17 **\*-0344/3.31\* SECTION 869.** 46.277 (5) (g) of the statutes is amended to read:  
18 46.277 (5) (g) The department may provide enhanced reimbursement for  
19 services provided under this section to an individual who is relocated to the  
20 community from a nursing home by a county department on or after July 26, 2003  
21 the effective date of this paragraph .... [revisor inserts date], if the nursing home bed  
22 that was used by the individual is delicensed upon relocation of the individual  
23 number of individuals served under this paragraph does not exceed the number of  
24 nursing home beds that are delicensed as part of plans submitted by nursing homes

1 and approved by the department. The department shall develop and utilize a  
2 formula to determine the enhanced reimbursement rate.

3 **\*-1649/6.31\* SECTION 870.** 46.278 (6) (d) of the statutes is amended to read:

4 46.278 (6) (d) If a county makes available nonfederal funds equal to the state  
5 share of service costs under a waiver received under sub. (3), the department may,  
6 from the appropriation under s. 20.435 (4) (o), provide reimbursement for services  
7 that the county provides under this section to persons who are in addition to those  
8 who may be served under this section with funds from the appropriation under s.  
9 20.435 (4) (b), (r), (rg), or (w).

10 **\*-1649/7.5\* SECTION 871.** 46.278 (6) (d) of the statutes, as affected by 2005  
11 Wisconsin Act .... (this act), is amended to read:

12 46.278 (6) (d) If a county makes available nonfederal funds equal to the state  
13 share of service costs under a waiver received under sub. (3), the department may,  
14 from the appropriation under s. 20.435 (4) (o), provide reimbursement for services  
15 that the county provides under this section to persons who are in addition to those  
16 who may be served under this section with funds from the appropriation under s.  
17 20.435 (4) (b), (r), ~~(rg),~~ or (w).

18 **\*-0311/3.5\* SECTION 872.** 46.2785 of the statutes is created to read:

19 **46.2785 Community Opportunities and Recovery Program. (1)**

20 DEFINITIONS. In this section:

21 (a) "Nursing facility" has the meaning given in 42 USC 1396r (a).

22 (b) "Serious mental illness" has the meaning given in 42 CFR 483.102 (b) (1).

23 (c) "Waiver program" means the Community Opportunities and Recovery  
24 Program for which a waiver has been requested under sub. (2) and granted under 42  
25 USC 1396n (c).

1           (2) WAIVER REQUEST. The department may request a waiver from the secretary  
2 of the U.S. department of health and human services, under 42 USC 1396n (c),  
3 authorizing the department to serve in their communities medical assistance  
4 recipients who meet eligibility requirements specified in sub. (4) by providing them  
5 home or community-based services as part of the Medical Assistance program. If the  
6 department requests the waiver, it shall include all the assurances required under  
7 42 USC 1396n (c) (2) in the request. If the department receives the waiver, it may  
8 request an extension of the waiver under 42 USC 1396n (c).

9           (3) CONTRACT FOR ADMINISTRATION. If doing so is consistent with the waiver  
10 received by the department as specified in sub. (2), the department may contract with  
11 a county or a private agency to administer the waiver program. A private agency  
12 with which the department contracts shall have the powers and duties of a county  
13 under this section.

14           (4) ELIGIBILITY. Any medical assistance recipient who has a serious mental  
15 illness and meets the level of care requirements under s. 49.45 (6m) (i) for  
16 reimbursement of nursing home care under the Medical Assistance program is  
17 eligible to participate in the waiver program.

18           (5) FUNDING. (a) Medical assistance reimbursement for services a county or  
19 private agency contracts for or provides under the waiver program shall be made  
20 from the appropriation accounts under s. 20.435 (4) (b) and (o).

21           (b) The department may, from the appropriation account under s. 20.435 (4) (o),  
22 reimburse a county for providing, or contracting to provide, services that cost more  
23 than the average annual per person rate established by the department, but less  
24 than the average amount approved by the federal government for the waiver  
25 program.

1           **\*-1649/6.32\* SECTION 873.** 46.283 (5) of the statutes is amended to read:

2           46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),  
3 (bm), (gp), (pa), (r), (rg), and (w) and (7) (b), (bd), and (md), the department may  
4 contract with organizations that meet standards under sub. (3) for performance of  
5 the duties under sub. (4) and shall distribute funds for services provided by resource  
6 centers.

7           **\*-1649/7.32\* SECTION 874.** 46.283 (5) of the statutes, as affected by 2005  
8 Wisconsin Act .... (this act), is amended to read:

9           46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),  
10 (bm), (gp), (pa), (r), ~~(rg)~~, and (w) and (7) (b), (bd), and (md), the department may  
11 contract with organizations that meet standards under sub. (3) for performance of  
12 the duties under sub. (4) and shall distribute funds for services provided by resource  
13 centers.

14           **\*-1649/6.33\* SECTION 875.** 46.284 (5) (a) of the statutes is amended to read:

15           46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), (gp),  
16 (im), (o), (r), (rg), and (w) and (7) (b) and (bd), the department shall provide funding  
17 on a capitated payment basis for the provision of services under this section.  
18 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is  
19 under contract with the department may expend the funds, consistent with this  
20 section, including providing payment, on a capitated basis, to providers of services  
21 under the family care benefit.

22           **\*-1649/7.33\* SECTION 876.** 46.284 (5) (a) of the statutes, as affected by 2005  
23 Wisconsin Act .... (this act), is amended to read:

24           46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), (gp),  
25 (im), (o), (r), ~~(rg)~~, and (w) and (7) (b) and (bd), the department shall provide funding

1 on a capitated payment basis for the provision of services under this section.  
2 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is  
3 under contract with the department may expend the funds, consistent with this  
4 section, including providing payment, on a capitated basis, to providers of services  
5 under the family care benefit.

6 **\*-0311/3.6\* SECTION 877.** 46.286 (1) (a) 2. b. of the statutes is amended to read:

7 46.286 (1) (a) 2. b. Home and community-based waiver programs under 42  
8 USC 1396n (c), including ~~community integration program~~ Community Integration  
9 Program under s. 46.275, 46.277, or 46.278 and the Community Opportunities and  
10 Recovery Program under s. 46.2785.

11 **\*-0312/2.1\* SECTION 878.** 46.286 (3) (d) of the statutes is amended to read:

12 46.286 (3) (d) The department shall determine the date, which shall not be later  
13 than January 1, 2006 2008, on which par. (a) shall first apply to persons who are not  
14 eligible for medical assistance under ch. 49. Before the date determined by the  
15 department, persons who are not eligible for medical assistance may receive the  
16 family care benefit within the limits of state funds appropriated for this purpose and  
17 available federal funds.

18 **\*-0295/2.5\* SECTION 879.** 46.40 (1) (a) of the statutes is amended to read:

19 46.40 (1) (a) Within the limits of available federal funds and of the  
20 appropriations under s. 20.435 (3) ~~(a)~~ and (7) (b) and (o), the department shall  
21 distribute funds for community social, mental health, developmental disabilities,  
22 and alcohol and other drug abuse services and for services under ss. 46.51, 46.87,  
23 46.985, and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42, and  
24 51.437 and to county aging units, as provided in subs. (2), (2m), and (7) to (9).

25 **\*-0349/5.1\* SECTION 880.** 46.48 (11m) of the statutes is created to read:

1           46.48 (11m) FEMALE OFFENDER REINTEGRATION PROGRAM. (a) In this subsection:

2           1. “Offender” has the meaning given in s. 304.16 (2) (i).

3           2. “Prisoner” has the meaning given in s. 301.01 (2).

4           (b) The department shall award not more than \$139,100 in fiscal year 2005–06  
5 and not more than \$140,000 in fiscal year 2006–07 as a grant to an organization or  
6 a group of organizations to provide services for female prisoners and offenders from  
7 Milwaukee County and their children, if the prisoners or offenders have been  
8 convicted of nonviolent crimes.

9           (c) The grant awardee under par. (b) shall provide at least all of the following  
10 for up to 6 months before a prisoner’s release from prison and up to 2 years after  
11 release:

12           1. Screening, assessment, and treatment, including mental health and  
13 permanency services, for the prisoners or offenders to assist in their reintegration  
14 into the community.

15           2. At-risk assessments for all dependent children of female prisoners or  
16 offenders who receive services under subd. 1., and comprehensive support services.

17           \*–0349/5.2\* SECTION 881. 46.481 of the statutes is renumbered 46.481 (1m).

18           \*–0349/5.3\* SECTION 882. 46.481 (2m) of the statutes is created to read:

19           46.481 (2m) From the appropriation under s. 20.435 (6) (gb), the department  
20 shall award not more than \$57,500 in fiscal year 2005–06 and not more than  
21 \$229,800 in fiscal year 2006–07 as grants for up to 3 years to counties with  
22 populations of less than 500,000 and to tribal governing bodies to demonstrate  
23 collaboration between a county department under s. 46.23 and a tribal agency in a  
24 county or among county departments under ss. 46.22 and 51.42 and tribal agencies  
25 in a county for intervention for the mental health and substance abuse screening,

1 assessment, and treatment of children who have been abused or neglected and their  
2 parents for whom the county departments and tribal agencies determine there is a  
3 need to provide services.

4 **\*-0295/2.6\* SECTION 883.** 46.495 (1) (am) of the statutes is amended to read:

5 46.495 (1) (am) The department shall reimburse each county from the  
6 appropriations under s. 20.435 (3)-(e) and (7) (b) and (o) for social services as  
7 approved by the department under ss. 46.215 (1), (2) (c) 1., and (3) and 46.22 (1) (b)  
8 1. d. and (e) 3. a. except that no reimbursement may be made for the administration  
9 of or aid granted under s. 49.02.

10 **\*-0084/3.9\* SECTION 884.** 46.495 (1) (d) of the statutes is amended to read:

11 46.495 (1) (d) From the appropriations under s. 20.435 (3)-(e) and (7) (b) and  
12 (o), the department shall distribute the funding for social services, including funding  
13 for foster care or, treatment foster care, or subsidized guardianship care of a child on  
14 whose behalf aid is received under s. 46.261, to county departments under ss. 46.215,  
15 46.22, and 46.23 as provided under s. 46.40. County matching funds are required for  
16 the distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for  
17 the distribution under s. 46.40 (2) shall be specified in a schedule established  
18 annually by the department of health and family services. Each county's required  
19 match for the distribution under s. 46.40 (8) for a year equals 9.89% of the total of  
20 the county's distributions under s. 46.40 (8) for that year for which matching funds  
21 are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats.,  
22 to spend for juvenile delinquency-related services from its distribution for 1987.  
23 Each county's required match for the distribution under s. 46.40 (9) (b) for a year  
24 equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for that  
25 year. Matching funds may be from county tax levies, federal and state revenue

1 sharing funds, or private donations to the county that meet the requirements  
2 specified in s. 51.423 (5). Private donations may not exceed 25% of the total county  
3 match. If the county match is less than the amount required to generate the full  
4 amount of state and federal funds distributed for this period, the decrease in the  
5 amount of state and federal funds equals the difference between the required and the  
6 actual amount of county matching funds.

\*\*\*NOTE: This is reconciled s. 46.495 (1) (d). This SECTION has been affected by  
drafts with the following LRB #s: LRB-0084/2, LRB-0295/1, and LRB-0746/3.

7 **\*-0084/3.10\* SECTION 885.** 46.51 (4) of the statutes is amended to read:

8 46.51 (4) A county may use the funds distributed under this section to fund  
9 additional foster parents and, treatment foster parents, and subsidized guardians  
10 or interim caretakers to care for abused and neglected children and to fund  
11 additional staff positions to provide services related to child abuse and neglect and  
12 to unborn child abuse.

13 **\*-0303/4.2\* SECTION 886.** 46.513 of the statutes is repealed.

14 **\*-0292/5.4\* SECTION 887.** 46.515 (1) (i) of the statutes is repealed.

15 **\*-0292/5.5\* SECTION 888.** 46.515 (1) (j) of the statutes is repealed.

16 **\*-0292/5.6\* SECTION 889.** 46.515 (2) of the statutes is amended to read:

17 46.515 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected  
18 by the department under sub. (5) to participate in the program under this section,  
19 the department shall award, from the appropriation under s. 20.435 (3) ~~(de)~~ (5) (ab),  
20 a grant annually to be used only for the purposes specified in sub. (4) (a) and (am).  
21 The minimum amount of a grant is \$10,000. The department shall determine the  
22 amount of a grant awarded to a county, other than a county with a population of  
23 500,000 or more, or Indian tribe in excess of the minimum amount based on the

1 number of births that are funded by medical assistance under subch. IV of ch. 49 in  
2 that county or the reservation of that Indian tribe in proportion to the number of  
3 births that are funded by medical assistance under subch. IV of ch. 49 in all of the  
4 counties and the reservations of all of the Indian tribes to which grants are awarded  
5 under this section. The department shall determine the amount of a grant awarded  
6 to a county with a population of 500,000 or more in excess of the minimum amount  
7 based on 60% of the number of births that are funded by medical assistance under  
8 subch. IV of ch. 49 in that county in proportion to the number of births that are  
9 funded by medical assistance under subch. IV of ch. 49 in all of the counties and the  
10 reservations of all of the Indian tribes to which grants are awarded under this  
11 section.

12       \*-0292/5.7\* SECTION 890. 46.515 (2) of the statutes, as affected by 2005  
13 Wisconsin Act .... (this act), is amended to read:

14       46.515 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected  
15 by the department under sub. (5) to participate in the program under this section,  
16 the department shall award, from the appropriation under s. 20.435 (5) (ab), a grant  
17 annually to be used only for the purposes specified in sub. (4) (a) and (am). The  
18 minimum amount of a grant is \$10,000. The department shall determine the amount  
19 of a grant awarded to a county, ~~other than a county with a population of 500,000 or~~  
20 ~~more,~~ or Indian tribe in excess of the minimum amount based on the number of births  
21 that are funded by medical assistance under subch. IV of ch. 49 in that county or the  
22 reservation of that Indian tribe ~~in proportion to the number of births that are funded~~  
23 ~~by medical assistance under subch. IV of ch. 49 in all of the counties and the~~  
24 ~~reservations of all of the Indian tribes to which grants are awarded under this~~  
25 ~~section. The department shall determine the amount of a grant awarded to a county~~

1 with a population of 500,000 or more in excess of the minimum amount based on 60%  
2 of the number of births that are funded by medical assistance under subch. IV of ch.  
3 49 in that county in proportion to the number of births that are funded by medical  
4 assistance under subch. IV of ch. 49 in all of the counties and the reservations of all  
5 of the Indian tribes to which grants are awarded under this section.

6 \*~~0292/5.8~~\* SECTION 891. 46.515 (3) (title) of the statutes is repealed.

7 \*~~0292/5.9~~\* SECTION 892. 46.515 (3) (a) of the statutes is repealed.

8 \*~~0292/5.10~~\* SECTION 893. 46.515 (3) (b) of the statutes is renumbered 46.515  
9 (3) and amended to read:

10 46.515 (3) JOINT APPLICATION PERMITTED. Two or more counties and Indian tribes  
11 may submit a joint application to the department. ~~Each county or Indian tribe in a~~  
12 ~~joint application shall be counted as a separate county or Indian tribe for the purpose~~  
13 ~~of limiting the number of counties and Indian tribes selected in each state fiscal~~  
14 ~~biennium.~~

15 \*~~0292/5.11~~\* SECTION 894. 46.516 of the statutes is created to read:

16 **46.516 Universal home visitation services.** (1) DEFINITIONS. In this  
17 section:

18 (a) "County department" means a county department of human services or  
19 social services under s. 46.215, 46.22, or 46.23.

20 (b) "Indian tribe" means a federally recognized American Indian tribe or band  
21 in this state.

22 (c) "Local health department" has the meaning given in s. 250.01 (4).

23 (d) "Local partnership" means any combination of 2 or more county  
24 departments, local health departments, Indian tribes, and private nonprofit

1 agencies that have agreed to implement jointly a program of universal home  
2 visitation services under this section.

3 (e) “Organization” means a county department, local health department,  
4 Indian tribe, private nonprofit agency, or local partnership.

5 (f) “Private nonprofit agency” means a nonstock corporation organized under  
6 ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

7 (2) AWARDING OF GRANTS. From the appropriation account under s. 20.435 (5)  
8 (ab), the department shall award grants to applying organizations for the provision  
9 of the home visitation services specified in sub. (3) (a). The department shall  
10 determine the amount of a grant awarded to an organization based on the number  
11 of first-time births in the community served by the organization. The department  
12 shall provide competitive application procedures for selecting organizations to  
13 receive grants under this subsection and shall establish a method for ranking  
14 applicants based on the quality of their applications. The department shall require  
15 a grant recipient to provide matching funds or in-kind contributions as determined  
16 by the department and shall ensure that a grant recipient does not use any grant  
17 moneys awarded to supplant any other moneys used by the grant recipient at the  
18 time of the awarding of the grant to provide home visitation services.

19 (3) PURPOSES OF GRANTS. (a) *Universal home visitation services.* An  
20 organization that receives a grant under sub. (2) shall use the grant moneys awarded  
21 to provide a one-time visit to all first-time parents in the community served by the  
22 organization for the purposes of providing those parents with basic information  
23 regarding infant health and nutrition, the care, safety, and development of infants,  
24 and emergency services for infants; identifying the needs of those parents; and  
25 providing those parents with referrals to programs, services, and other resources

1 that may meet those needs. An organization may visit a first-time parent only if the  
2 parent or, if the parent is a child, his or her parent, guardian, or legal custodian  
3 consents to the visit. No person who is required or permitted to report suspected or  
4 threatened abuse or neglect under s. 48.981 (2) may make or threaten to make such  
5 a report based on a refusal of a person to receive a home visit under this paragraph.

6 (b) *Start-up costs and capacity building.* In the first year in which a grant  
7 under sub. (2) is awarded to an organization, the organization may use a portion of  
8 the grant to pay for start-up costs and capacity building related to the provision of  
9 home visitation services by the organization. The department shall determine the  
10 maximum amount of a grant that an organization may use to pay for those start-up  
11 costs and that capacity building.

12 (4) CONFIDENTIALITY. (a) *Nondisclosure of information; exceptions.* No person  
13 may use or disclose any information concerning an individual who is offered home  
14 visitation services under sub. (3) (a), including an individual who declines to receive  
15 those services, or concerning an individual who is provided with a referral under sub.  
16 (3) (a), including an individual who declines the referral, unless disclosure of the  
17 information is required or permitted under s. 48.981 (2), the use or disclosure of the  
18 information is connected to the administration of the program under this section, or  
19 the individual has given his or her written informed consent to the use or disclosure  
20 of the information.

21 (b) *Explanation of confidentiality requirements.* An organization that receives  
22 a grant under sub. (2) shall provide or shall designate an individual or entity to  
23 provide an explanation of the confidentiality requirements under par. (a) to each  
24 individual who is offered home visitation services under sub. (3) (a) by the  
25 organization.

1           (5) NOTIFICATION OF PARENT PRIOR TO MAKING ABUSE OR NEGLECT REPORT. If a  
2 person who is providing home visitation services under sub. (3) (a) determines that  
3 he or she is required or permitted to make a report under s. 48.981 (2) about a child  
4 in a family to which the person is providing those services, the person shall, prior to  
5 making the report under s. 48.981 (2), make a reasonable effort to notify the child's  
6 parent that a report under s. 48.981 (2) will be made and to encourage the parent to  
7 contact a county department under s. 46.22 or 46.23 or, in a county having a  
8 population of 500,000 or more, the department to request assistance. The  
9 notification requirements under this subsection do not affect the reporting  
10 requirements under s. 48.981 (2).

11           (6) INFORMATIONAL MATERIALS. Any informational materials about the home  
12 visitation services provided under sub. (3) (a) that are distributed to a person who  
13 is offered or who is receiving those services shall state the sources of funding for the  
14 services.

15           \*-0041/2.1\* SECTION 895. 46.52 of the statutes is amended to read:

16           **46.52 Systems change grants.** From the appropriation under s. 20.435 (7)  
17 (md), the department shall distribute funds to each grant recipient under this section  
18 so as to permit initial phasing in of recovery-oriented system changes, prevention  
19 and early intervention strategies, and consumer and family involvement for  
20 individuals with mental illness. At least 10% of the funds distributed shall be for  
21 children with mental illness. ~~The department shall eliminate the funding for a~~  
22 ~~recipient at the end of a period of not more than 3 years in order to provide funding~~  
23 ~~to benefit another recipient. The department shall require that community services~~  
24 ~~that are developed under this section are continued, following termination of funding~~  
25 ~~under this section, by use of savings made available from incorporating recovery,~~

1 ~~prevention and early intervention strategies, and consumer and family involvement~~  
2 ~~in the services.~~

3 **\*-0313/1.2\* SECTION 896.** 46.75 (2) (a) of the statutes is amended to read:

4 46.75 (2) (a) From the appropriation under s. 20.435 (3) (5) (dn), the  
5 department shall award grants to agencies to operate food distribution programs  
6 that qualify for participation in the emergency food assistance program under P.L.  
7 98-8, as amended.

8 **\*-0313/1.3\* SECTION 897.** 46.77 of the statutes is amended to read:

9 **46.77 Food distribution administration.** From the appropriation under s.  
10 20.435 (3) (5) (dn), the department shall allocate funds to eligible recipient agencies,  
11 as defined in the emergency food assistance act, P.L. 98-8, section 201A, as amended,  
12 for the storage, transportation and distribution of commodities provided under the  
13 hunger prevention act of 1988, P.L. 100-435, as amended.

14 **\*-1635/3.2\* SECTION 898.** 46.95 (2) (a) of the statutes is amended to read:

15 46.95 (2) (a) The secretary shall make grants from the appropriations under  
16 s. 20.435 (3) (cd), and (hh) ~~and (km)~~ to organizations for the provision of any of the  
17 services specified in sub. (1) (d). Grants may be made to organizations which have  
18 provided those domestic abuse services in the past or to organizations which propose  
19 to provide those services in the future. No grant may be made to fund services for  
20 child or unborn child abuse or abuse of elderly persons.

21 **\*-1635/3.3\* SECTION 899.** 46.95 (2) (f) (intro.) of the statutes is amended to  
22 read:

23 46.95 (2) (f) (intro.) From the appropriations under s. 20.435 (3) (cd), and (hh)  
24 ~~and (km)~~, the department shall do all of the following:

25 **\*-0284/2.1\* SECTION 900.** 46.95 (2) (f) 7. of the statutes is amended to read:

1           46.95 (2) (f) 7. Award ~~a grant of \$25,000 grants~~ in each fiscal year to each of  
2   30 organizations to enhance support services. Funding may be used for such  
3   purposes as case management; children's programming; assisting victims of  
4   domestic abuse to find employment; and training in and activities promoting  
5   self-sufficiency.

6           \*~~-0284/2.2~~\* **SECTION 901.** 46.95 (2) (f) 8. of the statutes is amended to read:

7           46.95 (2) (f) 8. Award \$200,000 in grants in each fiscal year to organizations  
8   for domestic abuse services for individuals who are members of underserved  
9   populations, including racial minority group members and individuals with mental  
10   illness or developmental disabilities. ~~A grant to an organization may not exceed~~  
11   \$60,000.

12          \*~~-0284/2.3~~\* **SECTION 902.** 46.95 (2) (f) 9. of the statutes is amended to read:

13          46.95 (2) (f) 9. Award a grant of \$25,000 ~~in fiscal year 1999–2000 and a grant~~  
14   of \$50,000 in each fiscal year thereafter to the Wisconsin Coalition Against Domestic  
15   Violence ~~for~~ toward the cost of a staff person to provide assistance in obtaining legal  
16   services to domestic abuse victims.

17          \*~~-1635/3.4~~\* **SECTION 903.** 46.95 (2) (f) 10. of the statutes is created to read:

18          46.95 (2) (f) 10. Award a grant of \$563,500 in each fiscal year to the Refugee  
19   Family Strengthening Project for providing domestic abuse services to the refugee  
20   population. Funding may be used to hire bilingual staff persons, especially those  
21   who speak Hmong.

22          \*~~-1635/3.5~~\* **SECTION 904.** 46.95 (2) (g) of the statutes is repealed.

23          \*~~-0976/2.3~~\* **SECTION 905.** 46.972 (title) of the statutes is amended to read:

24          46.972 (title) **Services Primary health for homeless individuals.**

25          \*~~-0976/2.4~~\* **SECTION 906.** 46.972 (2) (title) of the statutes is repealed.

1           \***-0976/2.5\*** SECTION 907. 46.972 (2) of the statutes is renumbered 46.972.

2           \***-0976/2.6\*** SECTION 908. 46.972 (3) of the statutes is renumbered 560.9811  
3 and amended to read:

4           **560.9811 Mental health services.** (1) In this subsection section, “chronic  
5 mental illness” has the meaning given in s. 51.01 (3g).

6           (2) From the appropriation under s. ~~20.435 (7) (ce)~~ 20.143 (2) (fr), the  
7 department may not ~~allocate~~ award more than \$45,000 in each fiscal year to applying  
8 public or nonprofit private entities for the costs of providing certain mental health  
9 services to homeless individuals with chronic mental illness. Entities that receive  
10 funds ~~allocated~~ awarded by the department under this subsection shall provide the  
11 mental health services required under 42 USC 290cc-24. The amount that the  
12 department ~~allocates~~ awards to an applying entity may not exceed 50% of the  
13 amount of matching funds required under 42 USC 290cc-23.

14          \***-0356/3.1\*** SECTION 909. 46.977 (2) (a) of the statutes is amended to read:

15          46.977 (2) (a) ~~Annually, prior to April 30, an organization may apply to~~ From  
16 the appropriation under s. 20.435 (7) (cg), the department for a grant may under this  
17 section, based on the criteria under par. (c), award grants to applying organizations  
18 for the purpose of recruiting, training, monitoring and assisting guardians for  
19 persons determined to be incompetent under ch. 880. By June 30, the department  
20 shall determine which organizations will receive a grant during the following fiscal  
21 year based on the criteria under par. (c). No grant may be awarded paid unless the  
22 applicant awardee provides matching funds equal to 10% of the amount of the award.  
23 The department shall make grants under this section from the appropriation under  
24 s. 20.435 (7) (eg).

1           \***-0356/3.2\* SECTION 910.** 46.977 (2) (b) (intro.) of the statutes is amended to  
2 read:

3           46.977 (2) (b) (intro.) Organizations awarded grants under this section par. (a)  
4 shall do all of the following:

5           \***-0356/3.3\* SECTION 911.** 46.977 (2) (b) 1. of the statutes is repealed.

6           \***-0356/3.4\* SECTION 912.** 46.977 (2) (b) 2. of the statutes is amended to read:

7           46.977 (2) (b) 2. Provide training for ~~recruited guardians~~ and technical  
8 assistance on their duties guardianship issues.

9           \***-0356/3.5\* SECTION 913.** 46.977 (2) (b) 3. of the statutes is repealed.

10          \***-0356/3.6\* SECTION 914.** 46.977 (2) (b) 4. of the statutes is amended to read:

11          46.977 (2) (b) 4. Provide technical assistance to recruited guardians in  
12 performing their duties.

13          \***-0356/3.7\* SECTION 915.** 46.977 (2) (c) (intro.) and 2. of the statutes are  
14 consolidated, renumbered 46.977 (2) (c) and amended to read:

15          46.977 (2) (c) In reviewing applications for grants, the department shall  
16 consider ~~all of the following:~~ The ~~the~~ extent to which the proposed program will  
17 effectively ~~recruit, train, monitor~~ and assist guardians for persons determined to be  
18 incompetent under ch. 880.

19          \***-0356/3.8\* SECTION 916.** 46.977 (2) (c) 1. of the statutes is repealed.

20          \***-0311/3.7\* SECTION 917.** 46.985 (2) (a) 4. of the statutes is amended to read:

21          46.985 (2) (a) 4. Procedures for coordinating the family support program and  
22 the use of its funds, throughout this state and in each service area, with other  
23 publicly funded programs including the community options program under s. 46.27;  
24 the ~~community integration program~~ Community Integration Program under ss.  
25 46.275, 46.277, and 46.278; the Community Opportunity and Recovery Program

1 under s. 46.2785; the social services, mental health, and developmental disabilities  
2 programs under ss. 46.495, 51.42, and 51.437; the independent living center program  
3 under s. 46.96; and the medical assistance Medical Assistance program under subch.  
4 IV of ch. 49.

5 \***-1635/3.6\* SECTION 918.** 46.99 (2) (a) (intro.) of the statutes is amended to  
6 read:

7 46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), ~~(km)~~ and  
8 (nL), the department shall distribute \$2,125,200 in each fiscal year to applying  
9 nonprofit corporations and public agencies operating in a county having a population  
10 of 500,000 or more and \$1,199,300 in each fiscal year to applying county departments  
11 under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county  
12 having a population of 500,000 or more to provide programs to accomplish all of the  
13 following:

14 \***-1635/3.7\* SECTION 919.** 46.995 (1m) of the statutes is amended to read:

15 46.995 (1m) TRIBAL ADOLESCENT SERVICES ALLOCATIONS ALLOCATION. From the  
16 appropriation account under s. ~~20.435 (3) (km)~~, the department may allocate  
17 ~~\$195,000 in each fiscal year and, from the appropriation account under s. 20.435 (3)~~  
18 (eg), the department may allocate ~~\$15,000~~ \$210,000 in each fiscal year to provide the  
19 grants specified in subs. (2), (3) (b), and (4m) (b).

20 \***-1635/3.8\* SECTION 920.** 46.995 (2) of the statutes is amended to read:

21 46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. From the ~~allocations~~  
22 allocation under sub. (1m), the department may provide a grant annually in the  
23 amount of \$85,000 to the elected governing body of a federally recognized American  
24 Indian tribe or band to provide services for adolescent parents which shall emphasize  
25 high school graduation and vocational preparation, training, and experience and

1 may be structured so as to strengthen the adolescent parent's capacity to fulfill  
2 parental responsibilities by developing social skills and increasing parenting skills.  
3 The tribe or band seeking to receive a grant to provide these services shall develop  
4 a proposed service plan that is approved by the department.

5 **\*-1635/3.9\* SECTION 921.** 46.995 (3) (b) of the statutes is amended to read:

6 46.995 (3) (b) From the allocations allocation under sub. (1m), the department  
7 may provide a grant annually in the amount of \$65,000 to the elected governing body  
8 of a federally recognized American Indian tribe or band to provide to high-risk  
9 adolescents pregnancy and parenthood prevention services which shall be  
10 structured so as to increase development of decision-making and communications  
11 skills, promote graduation from high school, and expand career and other options  
12 and which may address needs of adolescents with respect to pregnancy prevention.

13 **\*-1635/3.10\* SECTION 922.** 46.995 (4m) (b) (intro.) of the statutes is amended  
14 to read:

15 46.995 (4m) (b) (intro.) From the allocations allocation under sub. (1m), the  
16 department may provide a grant annually in the amount of \$60,000 to the elected  
17 governing body of a federally recognized American Indian tribe or band for the  
18 provision of information to members of the tribe or band in order to increase  
19 community knowledge about problems of adolescents and information to and  
20 activities for adolescents, particularly female adolescents, in order to enable the  
21 adolescents to develop skills with respect to all of the following:

22 **\*-1737/2.8\* SECTION 923.** 48.09 (5) of the statutes is amended to read:

23 48.09 (5) By the district attorney or, if designated by the county board of  
24 supervisors, by the corporation counsel, in any matter arising under s. 48.13, 48.133  
25 or 48.977. If the county board transfers this authority to or from the district attorney

1 on or after May 11, 1990, the board may do so only if the action is effective on  
2 September 1 of an odd-numbered year and the board notifies the department of  
3 administration justice of that change by January 1 of that odd-numbered year.

4 \*-0084/3.11\* SECTION 924. 48.33 (4) (intro.) of the statutes is amended to read:

5 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
6 placement of an adult expectant mother outside of her home shall be in writing. A  
7 report recommending placement of a child in a foster home, treatment foster home,  
8 group home, or residential care center for children and youth ~~or~~, in the home of a  
9 relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall  
10 be in writing and shall include all of the following:

11 \*-0084/3.12\* SECTION 925. 48.345 (3) (c) of the statutes is amended to read:

12 48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62  
13 ~~or~~, a group home licensed under s. 48.625, or in the home of a guardian under s.  
14 48.977 (2).

15 \*-0084/3.13\* SECTION 926. 48.356 (1) of the statutes is amended to read:

16 48.356 (1) Whenever the court orders a child to be placed outside his or her  
17 home, orders an expectant mother of an unborn child to be placed outside of her  
18 home, or denies a parent visitation because the child or unborn child has been  
19 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,  
20 48.363, or 48.365 or whenever the court appoints a guardian for a child under s.  
21 48.977 (2), the court shall orally inform the parent or parents who appear in court  
22 or the expectant mother who appears in court of any grounds for termination of  
23 parental rights under s. 48.415 ~~which~~ that may be applicable and of the conditions  
24 necessary for the child or expectant mother to be returned to the home or for the  
25 parent to be granted visitation.

1           **\*-0084/3.14\* SECTION 927.** 48.425 (1) (g) of the statutes is amended to read:

2           48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.  
3 determines that it is unlikely that the child will be adopted, or if adoption would not  
4 be in the best interests of the child, the report shall include a plan for placing the child  
5 in a permanent family setting. The plan shall include a recommendation as to the  
6 agency to be named guardian of the child ~~or~~, a recommendation that the person  
7 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian  
8 of the child, or a recommendation that a guardian be appointed for the child under  
9 s. 48.977 (2).

10           **\*-0084/3.15\* SECTION 928.** 48.427 (3m) (intro.) of the statutes is amended to  
11 read:

12           48.427 (3m) (intro.) If the rights of both parents or of the only living parent are  
13 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,  
14 the court shall either do one of the following:

15           **\*-0084/3.16\* SECTION 929.** 48.427 (3m) (c) of the statutes is created to read:

16           48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship  
17 and custody of the child to the guardian.

18           **\*-0084/3.17\* SECTION 930.** 48.427 (3p) of the statutes is amended to read:

19           48.427 (3p) If the rights of both parents or of the only living parent are  
20 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the  
21 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters  
22 an order under this subsection, the court shall terminate the guardianship under s.  
23 48.977.

24           **\*-0404/4.12\* SECTION 931.** 48.48 (10) of the statutes is amended to read:

1           48.48 (10) To license child welfare agencies and day care centers as provided  
2 in s. 48.66 (1) (a).

3           \*-0084/3.18\* SECTION 932. 48.48 (17) (a) 3. of the statutes is amended to read:

4           48.48 (17) (a) 3. Provide appropriate protection and services for children and  
5 the expectant mothers of unborn children in its care, including providing services for  
6 those children and their families and for those expectant mothers in their own  
7 homes, placing the children in licensed foster homes, treatment foster homes, or  
8 group homes in this state or another state within a reasonable proximity to the  
9 agency with legal custody, placing the children in the homes of guardians under s.  
10 48.977 (2), or contracting for services for those children by licensed child welfare  
11 agencies, except that the department may not purchase the educational component  
12 of private day treatment programs unless the department, the school board, as  
13 defined in s. 115.001 (7), and the state superintendent of public instruction all  
14 determine that an appropriate public education program is not available. Disputes  
15 between the department and the school district shall be resolved by the state  
16 superintendent of public instruction.

17           \*-0084/3.19\* SECTION 933. 48.48 (17) (c) 4. of the statutes is amended to read:

18           48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,  
19 or, residential care center for children and youth, or subsidized guardianship home  
20 under s. 48.62 (5).

21           \*-0084/3.20\* SECTION 934. 48.57 (1) (c) of the statutes is amended to read:

22           48.57 (1) (c) To provide appropriate protection and services for children and the  
23 expectant mothers of unborn children in its care, including providing services for  
24 those children and their families and for those expectant mothers in their own  
25 homes, placing those children in licensed foster homes, treatment foster homes, or

1 group homes in this state or another state within a reasonable proximity to the  
2 agency with legal custody, placing those children in the homes of guardians under  
3 s. 48.977 (2), or contracting for services for those children by licensed child welfare  
4 agencies, except that the county department may not purchase the educational  
5 component of private day treatment programs unless the county department, the  
6 school board, as defined in s. 115.001 (7), and the state superintendent of public  
7 instruction all determine that an appropriate public education program is not  
8 available. Disputes between the county department and the school district shall be  
9 resolved by the state superintendent of public instruction.

10 \*~~0084/3.21~~\* **SECTION 935.** 48.57 (3) (a) 4. of the statutes is amended to read:

11 48.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,  
12 ~~or~~, residential care center for children and youth, or subsidized guardianship home  
13 under s. 48.62 (5).

14 \*~~0084/3.22~~\* **SECTION 936.** 48.57 (3m) (cm) of the statutes is amended to read:

15 48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)  
16 for providing care and maintenance for a child is not eligible to receive a payment  
17 under sub. (3n) or s. 48.62 (4) or (5) for that child.

18 \*~~0265/3.4~~\* **SECTION 937.** 48.57 (3m) (h) of the statutes is created to read:

19 48.57 (3m) (h) A county department or, in a county having a population of  
20 500,000 or more, the department may recover an overpayment made under par. (am)  
21 from a kinship care relative who continues to receive payments under par. (am) by  
22 reducing the amount of the kinship care relative's monthly payment. The  
23 department may by rule specify other methods for recovering overpayments made  
24 under par. (am). A county department that recovers an overpayment under this

1 paragraph due to the efforts of its officers and employees may retain a portion of the  
2 amount recovered, as provided by the department by rule.

3 **\*-0084/3.23\* SECTION 938.** 48.57 (3n) (cm) of the statutes is amended to read:

4 48.57 (3n) (cm) A long-term kinship care relative who receives a payment  
5 under par. (am) for providing care and maintenance for a child is not eligible to  
6 receive a payment under sub. (3m) or s. 48.62 (4) or (5) for that child.

7 **\*-0265/3.5\* SECTION 939.** 48.57 (3n) (h) of the statutes is created to read:

8 48.57 (3n) (h) A county department or, in a county having a population of  
9 500,000 or more, the department may recover an overpayment made under par. (am)  
10 from a long-term kinship care relative who continues to receive payments under par.  
11 (am) by reducing the amount of the long-term kinship care relative's monthly  
12 payment. The department may by rule specify other methods for recovering  
13 overpayments made under par. (am). A county department that recovers an  
14 overpayment under this paragraph due to the efforts of its officers and employees  
15 may retain a portion of the amount recovered, as provided by the department by rule.

16 **\*-0084/3.24\* SECTION 940.** 48.57 (3p) (a) of the statutes is amended to read:

17 48.57 (3p) (a) In this subsection, "adult resident" means a person 18 years of  
18 age or over who lives at the home of a person who has applied for or is receiving  
19 payments under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b) with the intent of making  
20 that home his or her home or who lives for more than 30 days cumulative in any  
21 6-month period at the home of a person who has applied for or is receiving payments  
22 under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b).

23 **\*-0084/3.25\* SECTION 941.** 48.57 (3p) (b) 1. of the statutes is amended to read:

24 48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m)  
25 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a

1 population of 500,000 or more, the department of health and family services, with  
2 the assistance of the department of justice, shall conduct a background investigation  
3 of the applicant.

4 **\*-0084/3.26\* SECTION 942.** 48.57 (3p) (b) 3. of the statutes is amended to read:

5 48.57 (3p) (b) 3. The county department or, in a county having a population of  
6 500,000 or more, the department of health and family services, with the assistance  
7 of the department of justice, may conduct a background investigation of any person  
8 who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) at any time that  
9 the county department or department of health and family services considers to be  
10 appropriate.

11 **\*-0084/3.27\* SECTION 943.** 48.57 (3p) (c) 1. of the statutes is amended to read:

12 48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)  
13 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a  
14 population of 500,000 or more, the department of health and family services, with  
15 the assistance of the department of justice, shall, in addition to the investigation  
16 under par. (b) 1., conduct a background investigation of all employees and  
17 prospective employees of the applicant who have or would have regular contact with  
18 the child for whom those payments are being made and of each adult resident.

19 **\*-0084/3.28\* SECTION 944.** 48.57 (3p) (c) 2m. of the statutes is amended to  
20 read:

21 48.57 (3p) (c) 2m. The county department or, in a county having a population  
22 of 500,000 or more, the department of health and family services, with the assistance  
23 of the department of justice, may conduct a background investigation of any of the  
24 employees or prospective employees of any person who is receiving payments under  
25 sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child

1 for whom payments are being made and of each adult resident at any time that the  
2 county department or department of health and family services considers to be  
3 appropriate.

4 \*~~0084/3.29~~\* SECTION 945. 48.57 (3p) (c) 3. of the statutes is amended to read:

5 48.57 (3p) (c) 3. Before a person who is receiving payments under sub. (3m) or  
6 (3n) or s. 48.62 (5) (a) or (b) may employ any person in a position in which that person  
7 would have regular contact with the child for whom those payments are being made  
8 or permit any person to be an adult resident, the county department or, in a county  
9 having a population of 500,000 or more, the department of health and family  
10 services, with the assistance of the department of justice, shall conduct a background  
11 investigation of the prospective employee or prospective adult resident unless that  
12 person has already been investigated under subd. 1., 2. or 2m.

13 \*~~0084/3.30~~\* SECTION 946. 48.57 (3p) (fm) 1m. of the statutes is amended to  
14 read:

15 48.57 (3p) (fm) 1m. The county department or, in a county having a population  
16 of 500,000 or more, the department of health and family services may not enter into  
17 the agreement under sub. (3n) (am) 6. or make payments under s. 48.62 (5) (a) or (b)  
18 unless the county department or department of health and family services receives  
19 information from the department of justice relating to the conviction record of the  
20 applicant under the law of this state and that record indicates either that the  
21 applicant has not been arrested or convicted or that the applicant has been arrested  
22 or convicted but the director of the county department or, in a county having a  
23 population of 500,000 or more, the person designated by the secretary of health and  
24 family services to review conviction records under this subdivision determines that  
25 the conviction record is satisfactory because it does not include any arrest or

1 conviction that the director or person designated by the secretary determines is  
2 likely to adversely affect the child or the ~~long-term kinship care relative's~~ applicant's  
3 ability to care for the child. The county department or, in a county having a  
4 population of 500,000 or more, the department of health and family services may  
5 make payments under sub. (3n) or s. 48.62 (5) (a) or (b) conditioned on the receipt of  
6 information from the federal bureau of investigation indicating that the person's  
7 conviction record under the law of any other state or under federal law is satisfactory  
8 because the conviction record does not include any arrest or conviction that the  
9 director of the county department or, in a county having a population of 500,000 or  
10 more, the person designated by the secretary of health and family services to review  
11 conviction records under this subdivision determines is likely to adversely affect the  
12 child or the ~~long-term kinship care relative's~~ applicant's ability to care for the child.

13 **\*-0084/3.31\* SECTION 947.** 48.57 (3p) (fm) 2m. of the statutes is amended to  
14 read:

15 48.57 (3p) (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5)  
16 (a) or (b) may provisionally employ a person in a position in which that person would  
17 have regular contact with the child for whom those payments are being made or  
18 provisionally permit a person to be an adult resident if the person receiving those  
19 payments states to the county department or, in a county having a population of  
20 500,000 or more, the department of health and family services that, to the best of his  
21 or her knowledge, the employee or adult resident does not have any arrests or  
22 convictions that could adversely affect the child or the ability of the person receiving  
23 payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62  
24 (5) (a) or (b) may not finally employ a person in a position in which that person would  
25 have regular contact with the child for whom those payments are being made or

1 finally permit a person to be an adult resident until the county department or, in a  
2 county having a population of 500,000 or more, the department of health and family  
3 services receives information from the department of justice relating to the person's  
4 conviction record under the law of this state and that record indicates either that the  
5 person has not been arrested or convicted or that the person has been arrested or  
6 convicted but the director of the county department or, in a county having a  
7 population of 500,000 or more, the person designated by the secretary of health and  
8 family services to review conviction records under this subdivision determines that  
9 the conviction record is satisfactory because it does not include any arrest or  
10 conviction that is likely to adversely affect the child or the long-term kinship care  
11 relative's ability of the person receiving payments to care for the child and the county  
12 department or department of health and family services so advises the person  
13 receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b). A person receiving  
14 payments under sub. (3n) or s. 48.62 (5) (a) or (b) may finally employ a person in a  
15 position in which that person would have regular contact with the child for whom  
16 those payments are being made or finally permit a person to be an adult resident  
17 conditioned on the receipt of information from the county department or, in a county  
18 having a population of 500,000 or more, the department of health and family services  
19 that the federal bureau of investigation indicates that the person's conviction record  
20 under the law of any other state or under federal law is satisfactory because the  
21 conviction record does not include any arrest or conviction that the director of the  
22 county department or, in a county having a population of 500,000 or more, the person  
23 designated by the secretary of health and family services to review conviction records  
24 under this subdivision determines is likely to adversely affect the child or the

1 long-term kinship care relative's ability of the person receiving payments to care for  
2 the child.

3 \*–0084/3.32\* SECTION 948. 48.57 (3p) (hm) of the statutes is amended to read:

4 48.57 (3p) (hm) A county department or, in a county having a population of  
5 500,000 or more, the department may not make payments to a person under sub. (3n)  
6 or s. 48.62 (5) (a) or (b) and a person receiving payments under sub. (3n) or s. 48.62  
7 (5) (a) or (b) may not employ a person in a position in which that person would have  
8 regular contact with the child for whom payments are being made or permit a person  
9 to be an adult resident if the director of the county department or, in a county having  
10 a population of 500,000 or more, the person designated by the secretary to review  
11 conviction records under this paragraph determines that the person has any arrest  
12 or conviction that is likely to adversely affect the child or the long-term kinship care  
13 relative's person's ability to care for the child.

14 \*–0084/3.33\* SECTION 949. 48.61 (3) of the statutes is amended to read:

15 48.61 (3) To provide appropriate care and training for children in its legal or  
16 physical custody and, if licensed to do so, to place children in licensed foster homes,  
17 licensed treatment foster homes, and licensed group homes and in the homes of  
18 guardians under s. 48.977 (2).

19 \*–0084/3.34\* SECTION 950. 48.615 (1) (b) of the statutes is amended to read:

20 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to  
21 a child welfare agency that places children in licensed foster homes, licensed  
22 treatment foster homes, and licensed group homes and in the homes of guardians  
23 under s. 48.977 (2), the child welfare agency must pay to the department a biennial  
24 fee of \$254.10.

25 \*–1115/2.34\* SECTION 951. 48.62 (4) of the statutes is amended to read:

1           48.62 (4) Monthly payments in foster care shall be provided according to the  
2 age-related rates specified in this subsection. ~~Beginning on January 1, 2000, the~~  
3 ~~age-related rates are: \$299 for children aged 4 and under; \$326 for children aged 5~~  
4 ~~to 11; \$371 for children aged 12 to 14 and \$387 for children aged 15 to 17. Beginning~~  
5 ~~on January 1, 2001, the age-related rates are: \$302 for children aged 4 and under;~~  
6 ~~\$329 for children aged 5 to 11; \$375 for children aged 12 to 14; and \$391 for children~~  
7 ~~aged 15 to 17~~ 2006, the age-related rates are \$317 for a child under 5 years of age;  
8 \$345 for a child 5 to 11 years of age; \$394 for a child 12 to 14 years of age; and \$411  
9 for a child 15 years of age or over. Beginning on January 1, 2007, the age-related  
10 rates are to \$332 for a child under five years of age; \$362 for a child 5 to 11 years of  
11 age; \$423 for a child 12 to 14 years of age; and \$430 for a child 15 years of age or over.  
12 In addition to these grants for basic maintenance, the department shall make  
13 supplemental payments for special needs, exceptional circumstances, care in a  
14 treatment foster home, and initial clothing allowances according to rules  
15 promulgated by the department.

16           \*~~-0084/3.35~~\* SECTION 952. 48.62 (5) of the statutes is created to read:

17           48.62 (5) (a) Subject to par. (d), a county department or, in a county having a  
18 population of 500,000 or more, the department shall provide monthly subsidized  
19 guardianship payments in the amount specified in par. (e) to a guardian of a child  
20 under s. 48.977 (2) or under a substantially similar tribal law or law of another state  
21 who was licensed as the child's foster parent or treatment foster parent before the  
22 guardianship appointment and who has entered into a subsidized guardianship  
23 agreement with the county department or department if the guardian meets the  
24 conditions specified in par. (c) 1. and 2. and if the child meets any of the following  
25 conditions:

1           1. The child has been placed outside of his or her home, as described in s. 48.365  
2           (1), for a cumulative total period of one year or longer, the court has found that the  
3           agency primarily responsible for providing services to the child under a court order  
4           has made reasonable efforts to make it possible for the child to return to his or her  
5           home, while assuring that the child's health and safety are the paramount concerns,  
6           but that reunification of the child with the child's parent or parents is unlikely or  
7           contrary to the best interests of the child and that further reunification efforts are  
8           unlikely to be made or are contrary to the best interests of the child, or that any of  
9           the circumstances specified in s. 48.355 (2d) (b) 1. to 5. apply, and the court has found  
10          that appointment of a guardian for the child is in the best interests of the child.

11          2. The child does not meet the conditions specified in subd. 1., but the county  
12          department or department has determined, and a court has confirmed under s.  
13          48.977 (3r) or under a substantially similar tribal law or law of another state, that  
14          appointing a guardian for the child and providing monthly subsidized guardianship  
15          payments to the guardian are in the best interests of the child.

16          (b) Subject to par. (d), on the death, incapacity, resignation, or removal of a  
17          guardian receiving payments under par. (a), a county department or, in a county  
18          having a population of 500,000 or more, the department shall provide monthly  
19          subsidized guardianship payments in the amount specified in par. (e) for a period of  
20          up to 12 months to an interim caretaker who meets all of the conditions specified in  
21          par. (c).

22          (c) A county department or, in a county having a population of 500,000 or more,  
23          the department may not provide monthly subsidized guardianship payments under  
24          par. (a) or (b) unless all of the following conditions are met:

1           1. The county department or department inspects the home of the guardian or  
2 interim caretaker, interviews the guardian or interim caretaker, and determines  
3 that placement of the child with the guardian or interim caretaker is in the best  
4 interests of the child.

5           2. The county department or department conducts a background investigation  
6 under s. 48.57 (3p) of the guardian or interim caretaker, the employees and  
7 prospective employees of the guardian or interim caretaker who have or would have  
8 regular contact with the child for whom the payments would be made, and any other  
9 adult resident, as defined in s. 48.57 (3p) (a), of the home of the guardian or interim  
10 caretaker and determines that those individuals do not have any arrests or  
11 convictions that are likely to adversely affect the child or the ability of the guardian  
12 or interim caretaker to care for the child.

13           3. In the case of an interim caretaker, the interim caretaker cooperates with  
14 the county department or department in finding a permanent placement for the  
15 child.

16           (d) The department shall request from the secretary of the federal department  
17 of health and human services a waiver of the requirements under 42 USC 670 to 679a  
18 that would authorize the state to receive federal foster care and adoption assistance  
19 reimbursement under 42 USC 670 to 679a for the costs of providing care for a child  
20 who is in the care of a guardian who was licensed as the child's foster parent or  
21 treatment foster parent before the guardianship appointment and who has entered  
22 into a subsidized guardianship agreement with the county department or  
23 department. If the waiver is approved for a county having a population of 500,000  
24 or more, the department shall provide the monthly payments under par. (a) from the  
25 appropriations under s. 20.435 (3) (cx), (gx), (kw), and (mx). If the waiver is approved

1 for any other county, the department shall determine which counties are authorized  
2 to provide monthly payments under par. (a) or (b), and the county departments of  
3 those counties shall provide those payments from moneys received under s. 46.495  
4 (1) (d).

5 (e) The amount of a monthly payment under par. (a) or (b) for the care of a child  
6 shall equal the amount received under sub. (4) by the guardian of the child for the  
7 month immediately preceding the month in which the guardianship order was  
8 granted. A guardian or an interim caretaker who receives a monthly payment under  
9 par. (a) or (b) is not eligible to receive a payment under sub. (4) or s. 48.57 (3m) or (3n).

10 **\*-0265/3.6\* SECTION 953.** 48.62 (6) of the statutes is created to read:

11 48.62 (6) The department or a county department may recover an overpayment  
12 made under sub. (4) or (5) from a foster parent, treatment foster parent, guardian,  
13 or interim caretaker who continues to receive payments under sub. (4) or (5) by  
14 reducing the amount of the person's monthly payment. The department may by rule  
15 specify other methods for recovering overpayments made under sub. (4) or (5). A  
16 county department that recovers an overpayment under this subsection due to the  
17 efforts of its officers and employees may retain a portion of the amount recovered, as  
18 provided by the department by rule.

\*\*\*\*NOTE: This is reconciled s. 48.62 (6). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0265/2 and LRB-0084/2.

19 **\*-0404/4.13\* SECTION 954.** Subchapter XV (title) of chapter 48 [precedes  
20 48.65] of the statutes is renumbered subchapter VII (title) of chapter 49 [precedes  
21 49.97] and amended to read:

22 **CHAPTER 49**

## SUBCHAPTER VII

DAY CARE PROVIDERS LICENSING

**\*-0404/4.14\* SECTION 955.** 48.65 (title) of the statutes is renumbered 49.98 (title) and amended to read:

**49.98 (title) Day Licensing of day care centers licensed; fees.**

**\*-0404/4.15\* SECTION 956.** 48.65 (1) of the statutes is renumbered 49.98 (1) and amended to read:

49.98 (1) No person may for compensation provide care and supervision for 4 or more children under the age of 7 for less than 24 hours a day unless that person obtains a license to operate a day care center from the department. To obtain a license under this subsection to operate a day care center, a person must meet the minimum requirements for a license established by the department under s. ~~48.67~~ 49.986, meet the requirements specified in s. 48.685, and pay the license fee under sub. (3). A license issued under this subsection is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. ~~48.66~~ 49.984 (5).

**\*-0404/4.16\* SECTION 957.** 48.65 (2) (intro.) of the statutes is renumbered 49.98 (2) (intro.) and amended to read:

49.98 (2) (intro.) This section does not ~~include~~ apply to any of the following:

**\*-0404/4.17\* SECTION 958.** 48.65 (2) (a) of the statutes is renumbered 49.98 (2) (a).

**\*-0404/4.18\* SECTION 959.** 48.65 (2) (b) of the statutes is renumbered 49.98 (2) (b) and amended to read:

49.98 (2) (b) A public or ~~parochial~~ private school.

**\*-0404/4.19\* SECTION 960.** 48.65 (2) (c) of the statutes is renumbered 49.98 (2) (c).

1           \*~~0404/4.20~~\* SECTION 961. 48.65 (2) (d) of the statutes is renumbered 49.98 (2)  
2 (d).

3           \*~~0404/4.21~~\* SECTION 962. 48.65 (3) of the statutes is renumbered 49.98 (3)  
4 and amended to read:

5           49.98 (3) (a) Before the department may issue a license under sub. (1) to a day  
6 care center that provides care and supervision for 4 to 8 children, the day care center  
7 must pay to the department a biennial fee of \$60.50. Before the department may  
8 issue a license under sub. (1) to a day care center that provides care and supervision  
9 for 9 or more children, the day care center must pay to the department a biennial fee  
10 of \$30.25, plus a biennial fee of ~~\$8.47~~ \$16.94 per child, based on the number of  
11 children that the day care center is licensed to serve. A day care center that wishes  
12 to continue a license issued under sub. (1) shall pay the applicable fee under this  
13 paragraph by the continuation date of the license. A new day care center shall pay  
14 the applicable fee under this paragraph no later than 30 days before the opening of  
15 the day care center.

16           (b) A day care center that wishes to continue a license issued under par. (a) and  
17 that fails to pay the applicable fee under par. (a) by the continuation date of the  
18 license or a new day care center that fails to pay the applicable fee under par. (a) by  
19 30 days before the opening of the day care center shall pay an additional fee of \$5 per  
20 day for every day after the deadline that the ~~group-home~~ day care center fails to pay  
21 the fee.

22           \*~~0404/4.22~~\* SECTION 963. 48.651 (title) of the statutes is renumbered 49.156  
23 (title) and amended to read:

24           49.156 (title) **Certification Wisconsin Works; certification of day care**  
25 **providers.**

1           **\*-0404/4.23\* SECTION 964.** 48.651 (1) (intro.) of the statutes is renumbered  
2 49.156 (1) (intro.) and amended to read:

3           49.156 (1) (intro.) Each county department shall certify, according to the  
4 standards adopted by the department of ~~workforce development~~ under s. 49.155 (1d),  
5 each day care provider reimbursed for child care services provided to families  
6 determined eligible under s. 49.155, unless the provider is a day care center licensed  
7 under s. ~~48.65~~ 49.98 or is established or contracted for under s. 120.13 (14). Each  
8 county may charge a fee to cover the costs of certification. To be certified under this  
9 section, a person must meet the minimum requirements for certification established  
10 by the department of ~~workforce development~~ under s. 49.155 (1d), meet the  
11 requirements specified in s. 48.685, and pay the fee ~~specified~~ referred to in this  
12 section. The county shall certify the following categories of day care providers:

13           **\*-0404/4.24\* SECTION 965.** 48.651 (1) (a) of the statutes is renumbered 49.156  
14 (1) (a) and amended to read:

15           49.156 (1) (a) Level I certified family day care providers, as established by the  
16 department of ~~workforce development~~ under s. 49.155 (1d). No county may certify  
17 a provider under this paragraph if the provider is a relative of all of the children for  
18 whom he or she provides care.

19           **\*-0404/4.25\* SECTION 966.** 48.651 (1) (b) of the statutes is renumbered 49.156  
20 (1) (b) and amended to read:

21           49.156 (1) (b) Level II certified family day care providers, as established by the  
22 department of ~~workforce development~~, under s. 49.155 (1d).

23           **\*-0404/4.26\* SECTION 967.** 48.651 (2m) of the statutes is renumbered 49.156  
24 (2m) and amended to read:

1           49.156 (2m) Each county department shall provide the department of health  
2           and family services with information about each person who is denied certification  
3           for a reason specified in s. 48.685 (4m) (a) 1. to 5.

4           \*~~0404/4.27~~\* SECTION 968. 48.653 of the statutes is renumbered 49.982 (1) and  
5           amended to read:

6           49.982 (1) ~~Information for day care providers.~~ The department shall  
7           provide each day care center licensed under s. 48.65 49.98 and each county agency  
8           department providing child welfare services with a brochure containing information  
9           on basic child care and the licensing and certification requirements for day care  
10          providers. Each county agency department shall provide each day care provider that  
11          it certifies with a copy of the brochure.

12          \*~~0404/4.28~~\* SECTION 969. 48.655 of the statutes is renumbered 49.982 (2) and  
13          amended to read:

14          49.982 (2) ~~Parental access.~~ A day care provider that holds a license under  
15          s. 48.65 49.98, that is certified under s. 48.651 49.156, that holds a probationary  
16          license under s. 48.69 49.99, or that is established or contracted for under s. 120.13  
17          (14) shall permit any parent or guardian of a child enrolled in the program to visit  
18          and observe the program of child care at any time during the provider's hours of  
19          operation, unless the visit or observation is contrary to an existing court order.

20          \*~~0404/4.29~~\* SECTION 970. 48.656 of the statutes is renumbered 49.982 (3) and  
21          amended to read:

22          49.982 (3) ~~Parent's right to know.~~ Every parent, guardian, or legal custodian  
23          of a child who is receiving care and supervision, or of a child who is a prospective  
24          recipient of care and supervision, from a day care center that holds a license under  
25          s. 48.65 49.98 (1) or a probationary license under s. 48.69 49.99 has the right to know

1 certain information about the day care center that would aid the parent, guardian,  
2 or legal custodian in assessing the quality of care and supervision provided by the  
3 day care center.

4 **\*-0404/4.30\* SECTION 971.** 48.657 (title) of the statutes is repealed.

5 **\*-0404/4.31\* SECTION 972.** 48.657 (1) (intro.) of the statutes is renumbered  
6 49.982 (4) (a) (intro.) and amended to read:

7 49.982 (4) (a) (intro.) The department shall provide each day care center that  
8 holds a license under s. ~~48.65~~ 49.98 (1) or a probationary license under s. ~~48.69~~ 49.99  
9 with an annual report that includes the following information:

10 **\*-0404/4.32\* SECTION 973.** 48.657 (1) (a) of the statutes is renumbered 49.982  
11 (4) (a) 1. and amended to read:

12 49.982 (4) (a) 1. Violations of statutes, rules promulgated by the department  
13 under s. ~~48.67~~ 49.986, or provisions of licensure under s. ~~48.70 (1)~~ 49.988 (2) by the  
14 day care center. In providing information under this ~~paragraph~~ subdivision, the  
15 department may not disclose the identity of any employee of the day care center.

16 **\*-0404/4.33\* SECTION 974.** 48.657 (1) (b) of the statutes is renumbered 49.982  
17 (4) (a) 2. and amended to read:

18 49.982 (4) (a) 2. A telephone number at the department that a person may call  
19 to complain of any alleged violation of a statute, rule promulgated by the department  
20 under s. ~~48.67~~ 49.986, or provision of licensure under s. ~~48.70 (1)~~ 49.988 (2) by the  
21 day care center.

22 **\*-0404/4.34\* SECTION 975.** 48.657 (1) (c) of the statutes is renumbered 49.982  
23 (4) (a) 3. and amended to read:

24 49.982 (4) (a) 3. The results of the most recent inspection of the day care center  
25 under s. ~~48.73~~ 49.996 (1).

1           \*~~0404/4.35~~\* SECTION 976. 48.657 (2) of the statutes is renumbered 49.982 (4)  
2 (b) and amended to read:

3           49.982 (4) (b) A day care center shall post the report under sub.~~(1)~~ par. (a) next  
4 to the day care center's license or probationary license in a place where the report and  
5 the inspection results can be seen by parents, guardians, or legal custodians during  
6 the day care center's hours of operation.

7           \*~~0404/4.36~~\* SECTION 977. 48.657 (2g) of the statutes is renumbered 49.982  
8 (4) (c) and amended to read:

9           49.982 (4) (c) If the report under sub.~~(1)~~ par. (a) indicates that the day care  
10 center is in violation of a statute, a rule promulgated by the department under s.  
11 ~~48.67~~ 49.986, or a provision of licensure under s. ~~48.70 (1)~~ 49.988 (2), the day care  
12 center shall post with the report any notices received from the department relating  
13 to that violation.

14           \*~~0404/4.37~~\* SECTION 978. 48.657 (2r) of the statutes is renumbered 49.982  
15 (4) (d) and amended to read:

16           49.982 (4) (d) Each day care center that receives a report under sub.~~(1)~~ par.  
17 (a) shall make available to a parent, guardian, or legal custodian of a child who is  
18 receiving, or who is a prospective recipient of, care and supervision from the day care  
19 center the reports under sub.~~(1)~~ par. (a) from the previous 2 years and any notices  
20 received from the department relating to any violations identified in those reports.  
21 In providing information under this subsection paragraph, a day care center may  
22 withhold any information that would disclose the identity of an employee of the day  
23 care center.

24           \*~~0404/4.38~~\* SECTION 979. 48.657 (3) of the statutes is renumbered 49.982 (4)  
25 (e) and amended to read:

1 49.982 (4) (e) The department may require a day care center to provide to the  
2 department any information that is necessary for the department to prepare the  
3 report under ~~sub. (1)~~ par. (a).

4 \*-0404/4.39\* SECTION 980. Subchapter XVI (title) of chapter 48 [precedes  
5 48.66] of the statutes is amended to read:

6 CHAPTER 48

7 SUBCHAPTER XVI

8 LICENSING PROCEDURES AND <sup>stays</sup> ~~REQUIREMENTS~~ FOR CHILD WELFARE <sup>stays</sup> ~~AGENCIES, FOSTER HOMES, TREATMENT FOSTER HOMES, GROUP~~ <sup>stays</sup>

9 ~~HOMES, DAY CARE CENTERS~~ AND COUNTY DEPARTMENTS

10 HOMES, ~~DAY CARE CENTERS~~ AND COUNTY DEPARTMENTS

11 \*-0404/4.40\* SECTION 981. 48.66 (1) (a) of the statutes is amended to read:

12 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall  
13 license and supervise child welfare agencies, as required by s. 48.60, group homes,  
14 as required by s. 48.625, and shelter care facilities, as required by s. 938.22, ~~and day~~  
15 ~~care centers, as required by s. 48.65.~~ The department may license foster homes or  
16 treatment foster homes, as provided by s. 48.62, and may license and supervise  
17 county departments in accordance with the procedures specified in this section and  
18 in ss. 48.67 to 48.74.

19 \*-0404/4.41\* SECTION 982. 48.66 (2) of the statutes is amended to read:

20 48.66 (2) The department shall prescribe application forms to be used by all  
21 applicants for licenses from it. The application forms prescribed by the department  
22 shall require that the social security numbers of all applicants for a license to operate  
23 a child welfare agency, group home, or shelter care facility ~~or day care center~~ who are  
24 individuals, other than an individual who does not have a social security number and  
25 who submits a statement made or subscribed under oath or affirmation as required

1 under sub. (2m) (a) 2., be provided and that the federal employer identification  
2 numbers of all applicants for a license to operate a child welfare agency, group home,  
3 or shelter care facility ~~or day care center~~ who are not individuals be provided.

4 **\*-0404/4.42\* SECTION 983.** 48.66 (2m) (a) 1. of the statutes is amended to read:

5 48.66 (2m) (a) 1. Except as provided in subd. 2., the department of health and  
6 family services shall require each applicant for a license under sub. (1) (a) to operate  
7 a child welfare agency, group home, or shelter care facility ~~or day care center~~ who is  
8 an individual to provide that department with the applicant's social security number,  
9 and shall require each applicant for a license under sub. (1) (a) to operate a child  
10 welfare agency, group home, or shelter care facility ~~or day care center~~ who is not an  
11 individual to provide that department with the applicant's federal employer  
12 identification number, when initially applying for or applying to continue the license.

13 **\*-0404/4.43\* SECTION 984.** 48.66 (2m) (b) of the statutes is amended to read:

14 48.66 (2m) (b) If an applicant who is an individual fails to provide the  
15 applicant's social security number to the department of health and family services  
16 or if an applicant who is not an individual fails to provide the applicant's federal  
17 employer identification number to that department, that department may not issue  
18 or continue a license under sub. (1) (a) to operate a child welfare agency, group home,  
19 or shelter care facility ~~or day care center~~ to or for the applicant unless the applicant  
20 is an individual who does not have a social security number and the applicant  
21 submits a statement made or subscribed under oath or affirmation as required under  
22 par. (a) 2.

23 **\*-0404/4.44\* SECTION 985.** 48.66 (5) of the statutes is amended to read:

24 48.66 (5) A child welfare agency, group home, ~~day care center~~ or shelter care  
25 facility license, other than a probationary license, is valid until revoked or

1 suspended, but shall be reviewed every 2 years after the date of issuance as provided  
2 in this subsection. At least 30 days prior to the continuation date of the license, the  
3 licensee shall submit to the department an application for continuance of the license  
4 in the form and containing the information that the department requires. If the  
5 minimum requirements for a license established under s. 48.67 are met, the  
6 application is approved, the applicable fees referred to in ss. 48.68 (1) and 48.685 (8)  
7 are paid, and any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is  
8 due is paid, the department shall continue the license for an additional 2-year  
9 period, unless sooner suspended or revoked. If the application is not timely filed, the  
10 department shall issue a warning to the licensee. If the licensee fails to apply for  
11 continuance of the license within 30 days after receipt of the warning, the  
12 department may revoke the license as provided in s. 48.715 (4) and (4m) (b).

13 **\*-0404/4.45\* SECTION 986.** 48.67 of the statutes is amended to read:

14 **48.67 Rules governing child welfare agencies, day care centers, foster**  
15 **homes, treatment foster homes, group homes, shelter care facilities, and**  
16 **county departments.** The department shall promulgate rules establishing  
17 minimum requirements for the issuance of licenses to, and establishing standards  
18 for the operation of, child welfare agencies, day care centers, foster homes, treatment  
19 foster homes, group homes, shelter care facilities, and county departments. These  
20 rules shall be designed to protect and promote the health, safety, and welfare of the  
21 children in the care of all licensees. The department shall consult with the  
22 department of commerce and the department of public instruction before  
23 promulgating these rules. ~~In establishing the minimum requirements for the~~  
24 ~~issuance of licenses to day care centers that provide care and supervision for children~~  
25 ~~under one year of age, the department shall include a requirement that all licensees~~

1 ~~who are individuals and all employees and volunteers of a licensee who provide care~~  
2 ~~and supervision for children receive, before the date on which the license is issued~~  
3 ~~or the employment or volunteer work commences, whichever is applicable, training~~  
4 ~~in the most current medically accepted methods of preventing sudden infant death~~  
5 ~~syndrome.~~

6 **\*-0404/4.46\* SECTION 987.** 48.68 (1) of the statutes is amended to read:

7 48.68 (1) After receipt of an application for a license, the department shall  
8 investigate to determine if the applicant meets the minimum requirements for a  
9 license adopted by the department under s. 48.67 and meets the requirements  
10 specified in s. 48.685, if applicable. In determining whether to issue or continue a  
11 license, the department may consider any action by the applicant, or by an employee  
12 of the applicant, that constitutes a substantial failure by the applicant or employee  
13 to protect and promote the health, safety, and welfare of a child. Upon satisfactory  
14 completion of this investigation and payment of the fee required under s. 48.615 (1)  
15 (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a  
16 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69  
17 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial  
18 licensure and license renewal, the department shall provide a foster home licensee  
19 with written information relating to the age-related monthly foster care rates and  
20 supplemental payments specified in s. 48.62 (4), including payment amounts,  
21 eligibility requirements for supplemental payments and the procedures for applying  
22 for supplemental payments.

23 **\*-0404/4.47\* SECTION 988.** 48.685 (1) (b) of the statutes is amended to read:

24 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.  
25 48.60 to provide care and maintenance for children, to place children for adoption,

1 or to license foster homes or treatment foster homes; a foster home or treatment  
2 foster home that is licensed under s. 48.62; a group home that is licensed under s.  
3 48.625; a shelter care facility that is licensed under s. 938.22; a day care center that  
4 is licensed under s. ~~48.65~~ 49.98 or established or contracted for under s. 120.13 (14);  
5 a day care provider that is certified under s. ~~48.651~~ 49.156; or a temporary  
6 employment agency that provides caregivers to another entity.

7 \*~~0404/4.48~~\* SECTION 989. 48.685 (2) (am) (intro.) of the statutes is amended  
8 to read:

9 48.685 (2) (am) (intro.) The department of health and family services, the  
10 department of workforce development, a county department, a child welfare agency,  
11 or a school board shall obtain all of the following with respect to a caregiver specified  
12 in sub. (1) (ag) 1. b., a nonclient resident of an entity, and a person under 18 years  
13 of age, but not under 12 years of age, who is a caregiver of a day care center that is  
14 licensed under s. ~~48.65~~ 49.98 or established or contracted for under s. 120.13 (14) or  
15 of a day care provider that is certified under s. ~~48.651~~ 49.156:

16 \*~~0404/4.49~~\* SECTION 990. 48.685 (2) (am) 5. of the statutes is amended to  
17 read:

18 48.685 (2) (am) 5. Information maintained by the department under this  
19 section and under ss. ~~48.651 (2m)~~, 48.75 (1m), 49.156 (2m), 49.988 (1), and 120.13  
20 (14) regarding any denial to the person of a license, continuation or renewal of a  
21 license, certification, or a contract to operate an entity for a reason specified in sub.  
22 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract  
23 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to  
24 5. If the information obtained under this subdivision indicates that the person has  
25 been denied a license, continuation or renewal of a license, certification, a contract,

1 employment, or permission to reside as described in this subdivision, the department  
2 of health and family services, the department of workforce development, a county  
3 department, a child welfare agency, or a school board need not obtain the information  
4 specified in subds. 1. to 4.

5 **\*-0404/4.50\* SECTION 991.** 48.685 (2) (b) 1. e. of the statutes is amended to  
6 read:

7 48.685 (2) (b) 1. e. Information maintained by the department under this  
8 section and under ss. ~~48.651 (2m)~~, 48.75 (1m), 49.156 (2m), 49.988 (1), and 120.13  
9 (14) regarding any denial to the person of a license, continuation or renewal of a  
10 license, certification, or a contract to operate an entity for a reason specified in sub.  
11 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract  
12 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to  
13 5. If the information obtained under this subd. 1. e. indicates that the person has  
14 been denied a license, continuation or renewal of a license, certification, a contract,  
15 employment, or permission to reside as described in this subd. 1. e., the entity need  
16 not obtain the information specified in subd. 1. a. to d.

17 **\*-0404/4.51\* SECTION 992.** 48.685 (2) (b) 4. of the statutes is amended to read:

18 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under  
19 18 years of age, but not under 12 years of age, who is a caregiver or nonclient resident  
20 of a day care center that is licensed under s. ~~48.65~~ 49.98 or established or contracted  
21 for under s. 120.13 (14) or of a day care provider that is certified under s. ~~48.651~~  
22 49.156 and with respect to whom the department of workforce development, a county  
23 department, or a school board is required under par. (am) (intro.) to obtain the  
24 information specified in par. (am) 1. to 5.

25 **\*-0404/4.52\* SECTION 993.** 48.685 (2) (bb) of the statutes is amended to read:

1           48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a  
2 charge of a serious crime, but does not completely and clearly indicate the final  
3 disposition of the charge, the department of health and family services, department  
4 of workforce development, county department, child welfare agency, school board, or  
5 entity shall make every reasonable effort to contact the clerk of courts to determine  
6 the final disposition of the charge. If a background information form under sub. (6)  
7 (a) or (am) indicates a charge or a conviction of a serious crime, but information  
8 obtained under par. (am) or (b) 1. does not indicate such a charge or conviction, the  
9 department of health and family services, department of workforce development,  
10 county department, child welfare agency, school board, or entity shall make every  
11 reasonable effort to contact the clerk of courts to obtain a copy of the criminal  
12 complaint and the final disposition of the complaint. If information obtained under  
13 par. (am) or (b) 1., a background information form under sub. (6) (a) or (am), or any  
14 other information indicates a conviction of a violation of s. 940.19 (1), 940.195,  
15 940.20, 941.30, 942.08, 947.01, or 947.013 obtained not more than 5 years before the  
16 date on which that information was obtained, the department of health and family  
17 services, department of workforce development, county department, child welfare  
18 agency, school board, or entity shall make every reasonable effort to contact the clerk  
19 of courts to obtain a copy of the criminal complaint and judgment of conviction  
20 relating to that violation.

21           \***-0404/4.53\*** **SECTION 994.** 48.685 (2) (bd) of the statutes is amended to read:

22           48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department of health  
23 and family services, the department of workforce development, a county department,  
24 a child welfare agency, or a school board is not required to obtain the information  
25 specified in par. (am) 1. to 5., and an entity is not required to obtain the information

1 specified in par. (b) 1. a. to e., with respect to a person under 18 years of age whose  
2 background information form under sub. (6) (am) indicates that the person is not  
3 ineligible to be employed, contracted with, or permitted to reside at an entity for a  
4 reason specified in sub. (4m) (b) 1. to 5. and with respect to whom the department of health and family services, department of workforce development, county  
5 department, child welfare agency, school board, or entity otherwise has no reason to  
6 believe that the person is ineligible to be employed, contracted with, or permitted to  
7 reside at an entity for any of those reasons. This paragraph does not preclude the  
8 department of health and family services, the department of workforce development,  
9 a county department, a child welfare agency, or a school board from obtaining, at its  
10 discretion, the information specified in par. (am) 1. to 5. with respect to a person  
11 described in this paragraph who is a nonclient resident or a prospective nonclient  
12 resident of an entity.

13  
14 **\*-0404/4.54\* SECTION 995.** 48.685 (2) (bm) of the statutes is amended to read:  
15 48.685 (2) (bm) If the person who is the subject of the search under par. (am)  
16 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding  
17 the date of the search that person has not been a resident of this state, or if the  
18 department of health and family services, department of workforce development,  
19 county department, child welfare agency, school board, or entity determines that the  
20 person's employment, licensing, or state court records provide a reasonable basis for  
21 further investigation, the department of health and family services, department of  
22 workforce development, county department, child welfare agency, school board, or  
23 entity shall make a good faith effort to obtain from any state or other United States  
24 jurisdiction in which the person is a resident or was a resident within the 3 years  
25 preceding the date of the search information that is equivalent to the information

1 specified in par. (am) 1. or (b) 1. a. The department of health and family services,  
2 department of workforce development, county department, child welfare agency,  
3 school board, or entity may require the person to be fingerprinted on 2 fingerprint  
4 cards, each bearing a complete set of the person's fingerprints. The department of  
5 justice may provide for the submission of the fingerprint cards to the federal bureau  
6 of investigation for the purposes of verifying the identity of the person fingerprinted  
7 and obtaining records of his or her criminal arrests and convictions.

8 \*~~0404/4.55~~\* SECTION 996. 48.685 (3) (a) of the statutes is amended to read:

9 48.685 (3) (a) Every 4 years or at any time within that period that the  
10 department of health and family services, the department of workforce development,  
11 a county department, a child welfare agency, or a school board considers appropriate,  
12 the department of health and family services, department of workforce development,  
13 county department, child welfare agency, or school board shall request the  
14 information specified in sub. (2) (am) 1. to 5. for all persons who are licensed,  
15 certified, or contracted to operate an entity, for all persons who are nonclient  
16 residents of an entity, and for all persons under 18 years of age, but not under 12  
17 years of age, who are caregivers of a day care center that is licensed under s. ~~48.65~~  
18 49.98 or established or contracted for under s. 120.13 (4) or of a day care provider that  
19 is certified under s. ~~48.651~~ 49.156.

20 \*~~0404/4.56~~\* SECTION 997. 48.685 (3) (b) of the statutes is amended to read:

21 48.685 (3) (b) Every 4 years or at any time within that period that an entity  
22 considers appropriate, the entity shall request the information specified in sub. (2)  
23 (b) 1. a. to e. for all persons who are caregivers of the entity other than persons under  
24 18 years of age, but not under 12 years of age, who are caregivers of a day care center

1 that is licensed under s. ~~48.65~~ 49.98 or established or contracted for under s. 120.13  
2 (14) or of a day care provider that is certified under s. ~~48.651~~ 49.156.

3 **\*-0404/4.57\* SECTION 998.** 48.685 (3m) of the statutes is amended to read:

4 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department of if  
5 health and family services, the department of workforce development, a county  
6 department, a child welfare agency, or a school board has obtained the information  
7 required under sub. (2) (am) or (3) (a) with respect to a person who is a caregiver  
8 specified in sub. (1) (ag) 1. b. and that person is also an employee, contractor, or  
9 nonclient resident of an entity, the entity is not required to obtain the information  
10 specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

11 **\*-0404/4.58\* SECTION 999.** 48.685 (4m) (a) (intro.) of the statutes is amended  
12 to read:

13 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in  
14 par. (ad) and sub. (5), the department of health and family services may not license,  
15 or continue or renew the license of, a person to operate an entity, the department of  
16 workforce development may not license, or continue the license of, a person to  
17 operate a day care center, a county department may not certify a day care provider  
18 under s. ~~48.651~~ 49.156, a county department or a child welfare agency may not  
19 license, or renew the license of, a foster home or treatment foster home under s. 48.62,  
20 and a school board may not contract with a person under s. 120.13 (14), if the  
21 department of health and family services, department of workforce development,  
22 county department, child welfare agency, or school board knows or should have  
23 known any of the following:

24 **\*-0404/4.59\* SECTION 1000.** 48.685 (4m) (a) 1. of the statutes is amended to  
25 read:

1           48.685 (4m) (a) 1. That the person has been convicted of a serious crime or, if  
2           the person is an applicant for issuance or continuation of a license to operate a day  
3           care center or for initial certification under s. 48.651 49.156 or for renewal of that  
4           certification or if the person is proposing to contract with a school board under s.  
5           120.13 (14) or to renew a contract under that subsection, that the person has been  
6           convicted of a serious crime or adjudicated delinquent on or after his or her 12th  
7           birthday for committing a serious crime.

8           \*-0404/4.60\* SECTION 1001. 48.685 (4m) (ad) of the statutes is amended to  
9           read:

10           48.685 (4m) (ad) The department of health and family services, a county  
11           department, or a child welfare agency may license a foster home or treatment foster  
12           home under s. 48.62, the department of workforce development may license a day  
13           care center under s. 49.98, a county department may certify a day care provider  
14           under s. 48.651 49.156, and a school board may contract with a person under s.  
15           120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am)  
16           indicating that the person is not ineligible to be licensed, certified, or contracted with  
17           for a reason specified in par. (a) 1. to 5.

18           \*-0404/4.61\* SECTION 1002. 48.685 (4m) (b) 1. of the statutes is amended to  
19           read:

20           48.685 (4m) (b) 1. That the person has been convicted of a serious crime or, if  
21           the person is a caregiver or nonclient resident of a day care center that is licensed  
22           under s. 48.65 49.98 or established or contracted for under s. 120.13 (14) or of a day  
23           care provider that is certified under s. 48.651 49.156, that the person has been  
24           convicted of a serious crime or adjudicated delinquent on or after his or her 12th  
25           birthday for committing a serious crime.